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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 10 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Revision of Part 22 and Part 90)
of the Commission's Rules to)
Facilitate Future Development)
of Paging Systems)

WT Docket No. 96-18

Implementation of Section 309(j))
of the Communications Act --)
Competitive Bidding)

PP Docket No. 93-253

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION

Mary E. Brooner
Manager, Wireless Regulatory Policies
Corporate Government Relations
Motorola Inc.
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Dated: June 10, 1996

SUMMARY

Motorola Inc. ("Motorola") respectfully requests the Commission to reconsider the parameters of the interim freeze on the filing of private carrier paging ("PCP") applications by extending the exemption created for Special Emergency Radio Service ("SERS") licensees to non-SERS applicants in limited-eligibility Part 90 services seeking to operate on shared paging channels. Significantly, the considerations that caused the Commission to create the SERS exemption apply equally to applicants in other limited-eligibility Part 90 services seeking to use on shared paging frequencies. As such, extending the SERS exemption to other limited-eligibility Part 90 radio service applicants will not lead to increased speculation nor will it compromise the Commission's underlying rulemaking. At the same time, creation of an exemption for these entities will serve the public interest by affording affected businesses, manufacturers, health care facilities, and other Part 90 eligibles access to shared paging frequencies crucial to their internal communications networks.

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To: The Commission

PETITION FOR PARTIAL RECONSIDERATION

Pursuant to Section 1.429 of the Commission's Rules, 47 C.F.R. § 1.429, Motorola Inc. ("Motorola") respectfully requests partial reconsideration of the Commission's *First Report and Order* adopted April 22, 1996, in the above-captioned proceeding.¹

Motorola applauds the Commission's decisions to grant existing paging operators limited relief from the freeze on the filing of paging applications and to exempt Special Emergency Radio Service ("SERS") licensees from the freeze altogether. However, as discussed in detail below, the relief afforded by the Commission does not go far enough. In particular, continued application of the freeze

¹Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, FCC Docket No. 96-183, WT Docket No. 96-18, 61 Fed. Reg. 21380 (May 10, 1996) [hereinafter *First Report and Order*].

to noncommercial entities eligible under various Part 90 limited-eligibility radio services for shared private paging channel assignments seriously disrupts the internal communications of affected applicants -- and the paging industry as a whole -- without producing any corresponding public interest benefit.

As detailed below, the freeze has significantly impaired the ability of many Part 90 eligibles to order and install radio equipment for their internal operations. This, in turn, has had serious repercussions for Motorola's production and sales. Accordingly, Motorola has a direct interest in this proceeding. To help alleviate the impact of the freeze, Motorola urges the Commission to reconsider its decision and to exempt from the freeze applications filed by entities eligible in limited-eligibility Part 90 radio services seeking to operate on shared paging channels.

I. Background

The *First Report and Order* in this proceeding represents the latest step in the Commission's ongoing effort to implement Congress's directive that "substantially similar" commercial mobile radio service ("CMRS") offerings be subject to comparable regulatory requirements.² As part of this effort, the Commission released a Notice of Proposed Rule Making on February 9, 1996, proposing to adopt a geographic licensing scheme for private carrier paging ("PCP") and common carrier paging ("CCP")

²Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI §§ 6002(b)(2)(A), *codified at* 47 U.S.C. § 332(c); *see also First Report and Order* at ¶ 8.

channels and to use competitive bidding to resolve mutually exclusive applications for these frequencies.³ In addition, to deter the filing of speculative applications in anticipation of the move to auctions, the Commission froze the acceptance of new applications for all paging channels during the pendency of its rulemaking.⁴

The Commission recognized that an across-the-board freeze could seriously damage paging operations. Accordingly, it proposed to allow incumbent licensees to add sites to existing systems or modify existing sites, provided that these sites or modifications do not cause the licensee's interference contour to expand.⁵ The Commission requested comment as to whether it should also allow incumbents to construct secondary sites outside of their existing service areas.⁶

The commenters expressed almost unanimous opposition to the imposition of a paging freeze. Nearly all of the commenters agreed that a freeze will cause severe economic hardship for the paging industry and seriously disrupt the provision of service to the public. Similarly, the commenters strongly opposed the Commission's proposal to afford incumbents secondary site authorization for new sites that expand their

³Revision of Part 22 and Part 90 of the Commission's Rules to Facilitate Future Development of Paging Systems, FCC Docket No. 96-52 (released Feb. 9, 1996).

⁴*Id.* at ¶ 139. The Commission did not suspend applications for additional sites filed by CCP and PCP licensees with nationwide exclusivity on a paging channel because these channels are not included in the proposed geographic licensing scheme. *Id.* at ¶ 142.

⁵*Id.* at ¶ 140.

⁶*Id.* at ¶ 143.

interference contour; virtually all of the commenters agreed that secondary licensing affords little or no actual opportunity for expansion.

In addition, several commenters -- including Motorola -- urged the Commission to lift the freeze as applied to *shared* channels. In support of this request, Motorola and other commenters noted that shared paging channels are used extensively by licensees of noncommercial internal use systems, such as hospitals, fire departments, businesses, and manufacturers.⁷ Motorola also pointed out that many of these entities face extreme spectrum shortages and that the vast majority have unique communications requirements that cannot be met by commercial service providers. Motorola further noted that, because of the high level of occupancy on shared paging channels, these frequencies are not well suited for geographic licensing in any event.⁸ Similarly, PCIA pointed out that exclusive licensing is not permitted on shared private channels, and that the Commission lacks statutory authority to proceed with competitive bidding on channels with no exclusivity.⁹

The *First Report and Order* attempts to establish workable parameters for the interim freeze. To address the commenters' concerns regarding incumbent licensees' ability to expand, the Commission decided to allow incumbents operating on either

⁷See Reply Comments of Motorola Inc., WT Docket No. WT 96-18, at 4-5 (filed March 11, 1996). See also Reply Comments of The Personal Communications Industry Association ("PCIA"), WT Docket No. 96-18, at 17 (filed March 11, 1996); Comments of ProNet Inc., WT Docket No. 96-18, at 21 (filed March 1, 1996).

⁸Reply Comments of Motorola Inc. at 4-5.

⁹See Reply Comments of PCIA at 17 n.39.

exclusive or shared channels to file applications for additional transmission sites on a primary basis, provided that the proposed site is within 40 miles of an authorized site licensed to the same applicant on the same channel on or before February 8, 1996, and is operational.¹⁰

In addition, in response to a request advanced by ProNet Inc., the Commission exempted the Special Emergency Radio Service ("SERS") from the freeze.¹¹ In doing so, the Commission stated that, because SERS is "a limited eligibility service restricted to emergency medical service providers, which is eligible to use certain shared private paging channels . . . [there is] no risk that allowing SERS applications will compromise the goals of this rulemaking or lead to speculation."¹²

Although the Commission also acknowledged that several considerations weigh in favor of lifting the freeze as applied to shared paging channels generally, it declined to exempt these frequencies from the freeze. The Commission indicated that its decision in this regard was based findings submitted by the Federal Trade Commission ("FTC") signalling that, prior to the freeze, heavy application mill activity occurred on shared PCP channels.¹³ In view of the FTC's findings, the Commission expressed concern that lifting the freeze on shared channels would "lead to a flood of speculative

¹⁰*First Report and Order* at ¶¶ 26, 32.

¹¹*See* Comments of ProNet Inc., WT Docket No. 96-18, at 21 (filed March 1, 1996).

¹²*First Report and Order* at ¶ 38.

¹³*Id.* at ¶ 31.

applications."¹⁴ Motorola seeks reconsideration of the Commission's decision in this latter regard, at least as applied to licensees in various limited-eligibility Part 90 services.

II. The Commission's Rationale For Exempting SERS Licensees From The Freeze On The Filing of Paging Applications Applies Equally To Other Limited-Eligibility Part 90 Applicants.

As mentioned, Motorola submits that the Commission's decision to exempt the SERS from the freeze does not go far enough. Although the Commission's rationale for exempting SERS licensees extends equally to entities able to satisfy the eligibility requirements applicable to other limited-eligibility Part 90 services that use *shared* private paging frequencies, the Commission declined to exempt shared paging operations because of the concerns raised by the FTC. The Commission's decision to include all shared paging frequencies within the freeze responds to the FTC's concerns in an overly broad manner that freezes the filing of paging applications by legitimate, noncommercial Part 90 entities -- with severe economic consequences -- for no apparent reason. As detailed below, Motorola believes that the Commission can meet the FTC's concerns in a manner less restrictive and more narrowly tailored to the issue of the filing of speculative applications.

¹⁴*Id.*

In its current form, the freeze includes all Part 90 paging frequencies and all Part 90 radio services, with the sole exception of SERS licensees.¹⁵ Inclusion of private, non-SERS entities that qualify for licensing in other similarly limited-eligibility Part 90 radio services is an overly expansive response to the FTC's concerns about speculative filings. The FTC's concerns are directed solely at the filing of applications by *individuals* and solely to one frequency band.¹⁶ By extending the freeze to all Part 90 frequencies and radio services, the Commission has, however, precluded the filing of new paging applications on *all shared* paging frequencies regardless of whether the application is filed by an individual or by an entity able to satisfy other Part 90 eligibility criteria. In Motorola's view, inclusion of all non-SERS limited-eligibility radio service within the freeze is wholly unjustified.

Significantly, the Commission can easily tailor the freeze toward the concerns identified by the FTC and avoid unnecessarily inhibiting the operations of noncommercial shared paging channel applicants by extending the exemption created

¹⁵The Commission has informally apprised Motorola that the SERS exemption also applies to Emergency Medical Radio Service ("EMRS") licensees.

¹⁶In its comments, the FTC noted that approximately 92 percent of the license holders on 929 MHz shared channels are individuals. The FTC opined that, while some individual licensees may have a genuine interest in operating paging systems, many are victims of application mills. *See* Comments of the Federal Trade Commission, WT Docket No. 96-18, at 10 (filed March 1, 1996). On the basis of the FTC's comments, the Commission concluded that shared paging channels should remain frozen because lifting the freeze could "lead to a flood of speculative applications." *First Report and Order* at ¶ 31. Significantly, the only Part 90 rule under which individuals are eligible is Section 90.75(a)(1). *See infra* pp. 8-9.

for SERS licensees to any entity able to demonstrate that it satisfies the eligibility requirements of a limited-eligibility Part 90 radio service. As the Commission is aware, the shared paging channels in the 150 MHz, 450 MHz, and 929 MHz frequency bands are used extensively by manufacturers, businesses, and other Part 90 eligibles for the purpose of satisfying private, internal communications requirements. In some cases, these entities are able to gain access to shared paging frequencies directly under the radio service in which they are licensed. The number of paging frequencies available in service categories other than the Business Radio Service is, however, very limited. As a result, many Part 90 eligibles secure access to shared paging channels by proceeding under the Business Radio Service, which contains the greatest number of paging channels.¹⁷

The problem that the Business Radio Service presents is that, unlike most other Part 90 services, individuals may qualify for licensing under the broad Business Radio eligibility rules. In particular, under Section 90.75(a)(1), anyone engaged in "[t]he operation of a commercial activity" is eligible for licensing.¹⁸ It is thought that

¹⁷ As discussed in Motorola's reply comments, the vast majority of noncommercial Part 90 eligibles cannot rely on commercial service providers to satisfy their internal communications needs because of their system architecture, technical constraints, and critical requirements for quick and reliable transmissions. Common carrier offerings typically lack the service flexibility and consistent reliability essential to adequately accommodate these needs. Consequently, many Part 90 eligibles find it necessary to construct and operate their own internal communications systems. Access to shared Part 90 paging frequencies is an integral component of these communications networks.

¹⁸See 47 C.F.R. § 90.75(a)(1).

Section 90.75(a)(1) has been the mechanism many application mills have used to submit speculative applications for Part 90 paging frequencies.

In contrast, the eligibility requirements applicable to all other Part 90 services are extremely strict and set forth detailed descriptions of the types of entities that qualify for licensing. Furthermore, unlike the Business Radio Service, licensees in these other radio services generally may not provide for-profit communications services and are authorized only to transmit communications essential to the specific activities that cause the licensee to be eligible.¹⁹

To curb abuses of Section 90.75(a)(1) -- and, therefore, address the FTC's and the FCC's concerns about speculative filings -- without unnecessarily interrupting the operations of legitimate Part 90 eligibles that require access to shared paging frequencies, Motorola urges the Commission to extend the rationale used in exempting SERS licensees from the freeze to other entities able to satisfy the eligibility requirements of the various radio services described in Subparts B (Public Safety Radio Services), D (Industrial Radio Services), and E (Land Transportation Radio Services) of Part 90. With the exception of the Business Radio Service, all of the services

¹⁹*See, e.g.*, 47 C.F.R. §§ 90.63(a) (Power Radio Service); 90.65(a) (Petroleum Radio Service); 90.67(a) (Forest Products Radio Service); 90.69(a) (Film and Video Production Radio Service); 90.73(a) (Special Industrial Radio Service); 90.79(a) (Manufacturers Radio Service); 90.81(a) (Telephone Maintenance Radio Service); 90.89(a) (Motor Carrier Radio Service); 90.91(a) (Railroad Radio Service); 90.93(a) (Taxicab Radio Service); 90.95(a) (Automobile Emergency Radio Service). Similar eligibility requirements and use restrictions apply to licensees in the Special Emergency Radio Service and the Public Safety Radio Service.

described under these subparts are limited-eligibility services in the same sense as the Special Emergency Radio Service. As such, the acceptance of applications by entities eligible in these services will not present increased opportunities for speculation nor will it compromise the goals of the Commission's rulemaking.²⁰

To implement this exemption effectively, Motorola suggests that the Commission require Part 90 applicants to attach an exhibit to their FCC application form describing in detail the radio service in which the applicant is eligible. Eligibility under Section 90.75(a)(1) would not suffice for this purpose -- the applicant must describe another provision under Subpart B, D, or E in which it qualifies as an eligible entity.

III. The Existing Freeze, Which Includes Limited-Eligibility Part 90 Applicants Seeking To Operate On Shared Paging Channels, Has Seriously Disrupted The Operations Of Affected Entities.

Appended to this pleading are a number of affidavits that describe the impact of the freeze on the operations of Part 90 applicants seeking access to shared paging

²⁰The Commission itself has found that limited-eligibility services pose little or no risk of speculation and that the acceptance of applications by limited-eligibility radio service applicants will not compromise the goals of the underlying rulemaking. Motorola agrees. Limited-eligibility Part 90 services present little risk of speculation because, to qualify for licensing, an applicant must satisfy strict eligibility criteria and generally must use the spectrum in question solely for purposes related to the activity that makes the applicant eligible. For identical reasons, acceptance of applications filed by limited-eligibility Part 90 applicants will not compromise the Commission's underlying rulemaking.

frequencies.²¹ The first affidavit, appended as Attachment 1, was prepared by William Dougher, Project Manager for International Business Machines ("IBM") in Armonk, New York. In his affidavit, Mr. Dougher states that the transmission of communications is essential to IBM's manufacturing and operating functions, particularly for personnel and property security purposes. Mr. Dougher's affidavit further indicates that, although IBM recently executed a purchase order for telecommunications equipment, the company has been unable to accept delivery and complete installation because the paging freeze has precluded it from securing the necessary shared paging authorizations.

The impact of the freeze on IBM's communications network has been extensive. In particular, in June of 1995, IBM began working on a control center consolidation program that relies on paging for emergency responses to alarms at remote locations. Although the project was scheduled for completion in March of 1996, the freeze has forestalled it indefinitely. As a result, IBM must rely on old technology and will face elevated operating costs in order to maintain outdated equipment.²²

Motorola has also appended the affidavit of Wayne Sewell, Vice President of CDS Software, Inc.²³ Mr. Sewell's company designs and installs communications

²¹Certain of these affidavits are photocopies or facsimile copies. Motorola will supply all of the originals upon receipt.

²²See Attachment 1. Mr. Dougher's affidavit also indicates that IBM has invested \$300,000.00 on equipment for its control center consolidated program.

²³See Attachment 2.

systems for entities eligible under various limited-eligibility Part 90 services. Hospitals are among the company's major clients.

In his affidavit, Mr. Sewell indicates that his company has numerous outstanding equipment purchase orders that cannot be filled because of the paging freeze. Mr. Sewell's affidavit states that the company's "inability to install and operate this equipment is causing substantial disruption to our business, as we must now lease monthly common carrier services to provide necessary communications."²⁴ The affidavit further indicates that reliance on common carrier services can severely impair the ability of affected hospitals to meet the needs of patients and employees because of problems with inadequate service and breakdowns in leased equipment. Resultant communications failures affect patient transportation services, patient meal services, and facilities maintenance services.²⁵

A similar affidavit prepared by Leo Kane, Vice President of Regional Communications, Inc. ("RCI"), is appended as Attachment 3. RCI designs, installs, and maintains customer owned private radio paging systems for a wide variety of clients including hospitals, hotels, manufacturing facilities, office complexes, and nursing homes, among others, eligible under various Part 90 services. In his affidavit, Mr. Kane states that, "as a result of the freeze . . . we can no longer assist customers

²⁴*Id.*

²⁵*Id.*

in implementing privately owned paging solutions."²⁶ Mr. Kane's affidavit further states that the inability to install and operate new paging equipment is causing or will cause substantial disruption to affected businesses. In addition, Mr. Kane notes in his affidavit that his clients "have unique requirements for high reliability coverage and priority message distribution within their facilities," which often cannot be met through carrier based systems. Mr. Kane states that, "[t]he solution to these critical performance requirements are best provided by systems utilizing the shared radio paging spectrum."²⁷

Motorola has also appended the affidavits of several hospitals and health care facilities that rely on Section 90.75(a)(4) eligibility and Business Radio Service frequencies for the purpose of satisfying their non-emergency communications needs. These affidavits indicate that the freeze has seriously interrupted the affected entities' plans to install and operate telecommunications equipment and that the freeze is compromising patient care operations because new "nurse call" systems cannot be deployed. Applications for each of these systems were recently returned to the parties by the coordinators. These parties are unsure of their status -- a fact exacerbated by the lack of any written guidance from the FCC on how SERS eligibles using non-SERS channels will be handled by the coordinators and/or the FCC. Allowing all Part 90

²⁶See Attachment 3.

²⁷*Id.*

limited-eligibility parties to use shared frequencies except those that qualify only under Section 90.75(a)(1) would obviate this uncertainty and confusion.²⁸

Finally, the affidavit of David Beste, owner of Stone Mobile Radio, is appended as Attachment 9, describes the impact of the freeze on a local North Dakota county that wants a paging system for 911 dispatch services. The county, a customer of Stone Mobile Radio, is unable to obtain FCC licensing as a result of the freeze. Health and safety services to citizens in the county are being compromised.

IV. Conclusion

Motorola supports the Commission's effort to establish comparable regulatory requirements for competing CMRS paging operators and encourages the Commission to adopt geographic CMRS licensing procedures in an expeditious manner. While Motorola also understands the Commission's motives for imposing an interim freeze,

²⁸*See, e.g.*, Affidavit of Steven E. Smith, Director of Materials Management of the Riverside Medical Center, Bradley, Illinois (appended as Attachment 4); Affidavit of Kevin Engelkemier, Director of Clinical Engineering of the West Suburban Hospital, Oak Park, Illinois (appended as Attachment 5); Affidavit of Philip Wanzenberg, Director of Construction Services of the Rush North Shore Medical Center, Skokie, Illinois (appended as Attachment 6); Affidavit of Sister Connie Marie of the Felician Sisters Convent, Chicago (appended as Attachment 7). Appended at Attachment 8 is the affidavit of Gregory P. Kuzmic, Senior Vice President of Interstate Electronics Company. Mr. Kuzmic's company installs communications systems for Part 90 eligibles that are the licenseholders in the Chicago area. In his affidavit, Mr. Kuzmic states that his firm installs hundreds of on-site paging systems each year. Mr. Kuzmic indicates in his affidavit that many of his company's customers "rely on on-site paging for life safety, security, and communication," and the FCC's freeze is likely not only to impact their operations, but the "security and safety of their facilities" as well.

Motorola strongly believes that the Commission's interim procedures should not unnecessarily disrupt the operations of private Part 90 eligibles that rely on shared Part 90 paging frequencies. Accordingly, Motorola urges the Commission to permit entities able to demonstrate eligibility in any of the limited-eligibility Part 90 radio services to file applications to operate on shared paging channels while the interim freeze is in place. The submission of applications by these entities will not pose a risk of speculation and will not compromise the goals of the underlying rulemaking proceeding. Consequently, exempting limited-eligibility Part 90 applicants from the freeze does not implicate the concerns raised by the FTC in its comments and offers a response tailored to the elimination of speculative filings without unnecessarily injuring the operations of legitimate Part 90 eligibles.

Respectfully submitted,

Mary E. Brooner /kk

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Dated: June 10, 1996


CERTIFICATE OF SERVICE

I, Robin Walker, hereby certify that on this 10th day of June 1996, I caused true copies of the foregoing to be delivered to the following person via hand delivery:

Ms. Michelle Farquhar
Chief, Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 5002
Washington, D.C. 20554

Mr. David Furth
Chief, Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
Room 7002
Washington, D.C. 20554

Ms. Mika Savir
Commercial Wireless Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W.
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Washington, D.C. 20554


Robin Walker



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AFFIDAVIT

1. I William M. Dougher, am the Project Manager, for the International Business Machines in Armonk New York. Our Activities involving radio frequency use for manufacturing and operation is large and varied. For at least 50 years the IBM Corporation has been a licence of the FCC for various applications. Our request for licensing does not involve any scheme, program, or vehicle in which we are requesting licensing, directly or indirectly, for the primary purpose of investment and later resale of our operating license.

2. The International Business Machines company is eligible to operate stations for transmissions of communication under 47 C.F.R. S90 Private Land Mobile Radio Service. The transmission of communication is necessary to our Manufacturing and Operating functions particularly for personnel and property security. These operations will be used exclusively for internal purposes in the conduct of IBM operations.

3. We have executed a purchase order for telecommunications equipment but are unable to accept delivery and complete installation because we are unable to obtain licensing for our transmission facilities as a result of a freeze imposed by the FCC on acceptance of new paging licence applications. I have been working on a control center consolidation program that relays on paging for emergency response to alarms at remote locations. This project was initiated June 1995 with expected completion March 1996. The inability to obtain the necessary licenses will impact our project in that old technology will be used and will limit our progression and elevate our operating cost to maintain out dated equipment. We so far have invested 300k in this project for communications equipment.

Before this day personally appeared: William M Dougher who, being duly sworn, deposes and says:

I DO SWEAR AND AFFIRM, that the above information is true and correct to the best of my knowledge.


Signature of Affiant

State of New York.
County of Westchester Putnam 8th
Sworn to (or affirmed) and subscribed before me this 7th day of
June 1996, by

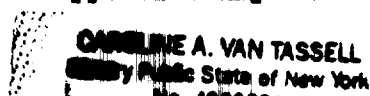
William M. Dougher
Name of person making statement

Caroline A. VanTassell Personally known ☐ or Produced Identification ☒
Notary Signature

(seal) . New York State

Produced Drivers License Type of Identification

Caroline A. VanTassell
Print Type or Stamp Name of Notary


CAROLINE A. VAN TASSELL
Notary Public State of New York



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AFFIDAVIT

I, Wayne G. Sewell, am the Vice-President of CDS Software, Inc., located in Tucson, Arizona. Our company develops and services task dispatching software that utilizes pagers as a means of communication between a centralized dispatch office and individuals who are assigned tasks. We primarily service the healthcare industry at this time, with installations in many parts of this country and in Canada. We have been providing services to our customers since 1991. Our request for licensing does not involve any scheme, program, or vehicle in which we are requesting licensing, directly or indirectly, for the primary purpose of investment and later resale of our operating license; we request licenses on behalf of and in the name of our customers only.

Our clients are eligible for licensing to operate stations for transmission of communications under 47 C.F.R. § 90, Private Land Mobile Radio Service. The transmission of communication is necessary for the operation of the computerized communications software they have purchased.

We have outstanding purchase orders totaling \$108,902.00 for telecommunications equipment for our customers, but cannot purchase equipment to fill these orders and complete their installation because we are unable to obtain licensing for our transmission facilities as a result of a freeze imposed by the FCC on acceptance of new paging license applications. We have received orders for at least two more hospital systems this month alone, and expect to finalize sales on several more by the year's end.

Our inability to install and operate this equipment is causing substantial disruption to our business, as we must now lease monthly common carrier services to provide necessary communications. As these services are provided primarily to hospitals, inadequate service from common carrier providers, breakdowns in leased equipment that cause communications failure can result in inadequate patient transportation services, patient meal services, facilities maintenance services - virtually any hospital function that depends on task dispatching. The lack of communications equipment can severely impair the hospital's ability to efficiently and effectively meet the needs of both patients and employees.

Before me this day personally appeared Wayne G. Sewell, who, being duly sworn, deposes and says:


I DO SWEAR AND AFFIRM, that the above information is true and correct to be best of my knowledge.



Signature of Affiant

State of Arizona
County of Pima

Sworn to (or affirmed) and subscribed before me this 4th day of June, 1996, by Wayne G. Sewell.



Notary Signature
Sharon L. Hackathorn

Print, Type or Stamp Name of Notary

Personally known ☒ or Produced Identification _____
Type of Identification Produced _____



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REGIONAL COMMUNICATIONS, INC.

E64 Midland Avenue
Paramus, NJ 07653-0144
Tel (201) 261-6600
Fax (201) 261-6304

Affidavit

1. I, Leo E. Kane, am the Vice President of Regional Communications, Inc., which is located in Paramus, NJ. Our organization designs, installs and maintains customer owned private radio paging systems for a wide variety of clients. Typically these include Hospitals, Hotels, Manufacturing facilities, Office complex's, Nursing homes, etc. Our request for licensing for our clients does not involve any scheme, program, or vehicle in which we are requesting licensing, directly or indirectly, for the primary purpose of investment and later resale of these operating licenses.

2. Our clients are eligible for licensing to operate stations for transmission of communications under 47 C.F.R. Part 90, Private Land Mobile Radio Service. The transmission of communications within these systems is typically related to emergency medical response, fire and security event notification, critical information distribution, and the coordination of business resources. These systems are used exclusively for internal purposes in the conduct of our clients business operations.

3. As a result of the freeze imposed by the FCC on the acceptance of new paging license applications on the shared use paging channels we can no longer assist customers in implementing privately owned paging solutions.

4. Our clients inability to install and operate this equipment is causing or will cause substantial disruption and harm to their business. These clients have unique requirements for high reliability coverage and priority message distribution within their facilities. These features are not always able through wide area carrier based system solutions. The solution to these critical performance requirements are best provided by systems utilizing the shared radio paging spectrum.

Before me this day personally appeared Leo E. Kane who, being duly sworn, deposes and says:

I DO SWEAR AND AFFIRM, that the above information is true and correct to the best of my knowledge.


Signature of Affiant

State of New York
County of Westchester

Sworn to (or affirmed) and subscribed before me this 10th day of June 1996,
by

LEO E. KANE
Name of person making statement

(Seal) [Signature]
Notary Signature

Personally known ✓ or Produced Identification
Type of Identification produced _____

MARILYN F. KUHLES
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 6, 1999